

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY LYNN SMITH,

Defendant.

CR 24-21-BU-DLC

ORDER

On September 18, 2024, the Court issued an order denying Defendant's request to appear by Zoom for his change of plea hearing on the ground that Federal Rule of Civil Procedure 43 does not permit a defendant to enter a felony guilty plea by video conference. (Doc. 22). Pursuant to the plea agreement, however, Defendant intends on entering a plea of guilty to Count V of the Indictment, which charges theft of government money in violation of 18 U.S.C. § 641—a misdemeanor—in exchange for the government's agreement to dismiss the four felony counts charged in the Indictment. Accordingly, pursuant to Rule 43(b)(2),

IT IS ORDERED that Defendant's request to appear by Zoom from the Federal Public Defender's Office in Shreveport Louisiana for the change of plea

hearing scheduled to take place on October 22, 2024 at 1:30 p.m. Mountain Standard Time is GRANTED. Prior to the plea hearing, Defendant shall file his written consent for the change of plea hearing to occur by Zoom. *See* Fed. R. Crim Proc. 43(b)(2).

The Clerk of Court shall notify defense counsel via e-mail of the meeting ID and password within 24 hours of the hearing. **Zoom Guidance and Setup** available at: <https://www.mtd.uscourts.gov/zoom-hearings>.

DATED this 18th day of September, 2024.



Kathleen L. DeSoto
United States Magistrate Judge